

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

SENATE ENROLLED ACT No. 511

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 1.5. "Acute hazardous waste", for purposes of IC 13-22-4-3.1, has the meaning set forth in IC 13-22-4-3.1(a).**

SECTION 2. IC 13-14-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. (a) The officials collecting the following shall remit the money to the treasurer of state:

(1) Money collected under the following:

(A) IC 13-30-4-1.

(B) IC 13-30-4-2.

(C) IC 13-30-5-1.

(2) Fees collected under IC 13-16-1-2 through IC 13-16-1-5.

~~(3) Fees collected under IC 13-22-4-5.~~

(b) The treasurer of state shall credit the money to the environmental management special fund.

SECTION 3. IC 13-22-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. (a) ~~The solid waste management board shall: (1) adopt a manifest form; and (2) prescribe the form's use regarding~~ **A person that generates hazardous**



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waste that is transported to a:

- ~~(A)~~ (1) treatment;
- ~~(B)~~ (2) storage; or
- ~~(C)~~ (3) disposal;

facility located at a site other than the site where the waste was generated **shall use the Uniform Hazardous Waste Manifest form adopted by the United States Environmental Protection Agency for purposes of the transportation of hazardous waste.**

~~(b)~~ The form:

- ~~(1)~~ where applicable, must call for the entry of the same information as is required under 40 CFR 261 and 40 CFR 262, Subpart B by the United States Environmental Protection Agency, in the same manner and form as required by the United States Environmental Protection Agency; and
- ~~(2)~~ may call for the entry of any additional information required by:

- ~~(A)~~ the United States Environmental Protection Agency; or
- ~~(B)~~ the board under a rule adopted by the board.

(b) In addition to any other information a person is required to enter on the Uniform Hazardous Waste Manifest form described in subsection (a), the person shall enter, in an appropriate place on the form, the waste codes for each hazardous waste in a shipment that is transported to the treatment, storage, or disposal facility.

SECTION 4. IC 13-22-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~(a)~~ If a generator generates at least one hundred (100) kilograms of hazardous waste in a month, the generator shall, within five (5) working days after the transportation of any hazardous waste to a treatment, storage, or disposal facility during that month, submit to the office of solid and hazardous waste management of the department a copy of the manifest created for purposes of the transportation of the hazardous waste:

~~(b)~~ **(a)** A generator located in Indiana whose hazardous waste is transported to a treatment, storage, or disposal facility located in another state may use a manifest form prescribed by the law of the other state to meet the requirements of this chapter if the form is compatible with the form ~~adopted under~~ **described in** section 1 of this chapter.

~~(c)~~ **(b)** A generator located in a state other than Indiana whose hazardous waste is transported to a treatment, storage, or disposal facility in Indiana must:

- (1) use the manifest form ~~adopted under~~ **described in** section 1 of this chapter; and



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(2) meet the other requirements of IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14.

SECTION 5. IC 13-22-4-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 3.1. (a) "Acute hazardous waste" has the meaning set forth in 40 CFR Part 261.**

(b) A person that:

(1) in any one (1) or more calendar months of a calendar year generates:

(A) more than one hundred (100) kilograms but less than one thousand (1,000) kilograms of hazardous waste;

(B) less than one (1) kilogram of acute hazardous waste; or

(C) less than one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste; or

(2) accumulates at least one thousand (1,000) kilograms of hazardous waste or less than one (1) kilogram of acute hazardous waste;

shall, before March 1 of each year, submit to the department on forms provided by the department a report, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the person's hazardous waste shipments during the previous calendar year.

(c) A person that:

(1) in any one (1) or more calendar months of a calendar year generates:

(A) more than one thousand (1,000) kilograms of hazardous waste;

(B) at least one (1) kilogram of acute hazardous waste; or

(C) at least one hundred (100) kilograms of material from the cleanup spillage of acute hazardous waste;

(2) accumulates at least six thousand (6,000) kilograms of hazardous waste or at least one (1) kilogram of acute hazardous waste; or

(3) is a treatment, storage, or disposal facility;

shall, before March 1 of each year, submit to the department either the biennial report required by the United States Environmental Protection Agency concerning the person's waste activities during the previous calendar year, or an annual report on forms provided by the department, containing no more than a compilation of information from the Uniform Hazardous Waste Manifest form described in section 1(a) of this chapter, that summarizes the



person's hazardous waste shipments during the previous calendar year.

SECTION 6. IC 13-22-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. (a) If the rejected load is to be returned to a generator, the generator shall complete a new manifest form and comply with all of the standards applicable to generators of hazardous waste except the following:

- (1) Line out the word "generator" in Box 3 of the manifest and insert the words "rejecting facility".
- (2) Line out the words "designated facility" in Box 9 of the manifest and insert the word "generator".
- (3) Write the words "REJECTED LOAD" in large block print and indicate the ~~state~~ manifest document number of the original manifest in Box 15 of the rejected load manifest.

(b) The rejected load manifest must accompany the shipment back to the generator. The generator retains all responsibility for transportation of the rejected waste.

SECTION 7. IC 13-22-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) When the rejected waste and the manifest are received by the generator, the generator shall do the following:

- (1) Note any discrepancies in Box 19 of the manifest.
- (2) Line out the words "Facility Owner or Operator" in Box 20 of the manifest and insert the words "Receiving generator".
- (3) Sign Box 20 of the manifest.
- (4) Give a copy of the manifest to the transporter.
- (5) Mail a copy of the manifest to the rejecting facility ~~and the department~~ not more than five (5) days after receipt of the shipment and the manifest.

(b) The receiving generator and rejecting facility shall retain copies of the manifest from the rejected load for not less than three (3) years after the date of receipt.

SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2001]: IC 13-22-4-3; IC 13-22-4-4; IC 13-22-4-5; IC 13-22-12-4.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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